

The article was labeled in part: "Butter L D Schreiber & Co., Inc. Distributors Chicago \* \* \* Illinois \* \* \* Net Wt. 60 Lbs."

On July 17, 1941, L. D. Schreiber & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reprocessed under the supervision of the Food and Drug Administration, and not sold or otherwise disposed of in violation of the law.

**2189. Adulteration and misbranding of butter. U. S. v. 14 Boxes, 13 Boxes, 11 Boxes, 16 Boxes, and 9 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 5096. Sample No. 69545-E.)**

On June 25, 1941, the United States attorney for the Southern District of New York filed a libel against 63 boxes, each containing approximately 60 pounds, of butter at New York, N. Y., alleging that the article had been shipped on or about June 3, 1941, by Walhalla Producers Creamery Co., Walhalla, N. Dak., from Duluth, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Breakstone Bros. Inc. Distributors New York."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent milk fat.

On July 10, 1941, Walhalla Produce Co., Walhalla, N. Dak., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it comply with the law.

#### CHEESE

**2190. Adulteration and misbranding of Colby cheese. U. S. v. 26 Boxes of Cheese. Default decree of condemnation and destruction. (F. D. C. No. 4481. Sample No. 42416-E.)**

This product contained excessive moisture and was deficient in milk fat. It also failed to comply with certain labeling requirements of the law.

On June 7, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 26 boxes of cheese at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about May 5, 1941, by the Fisher Dairy & Cheese Co. from Wapakoneta, Ohio; and charging that it was adulterated and misbranded. The article was unlabeled except for batch numbers and weights, but was shipped in response to a purchase order for "Colby Long Horns."

It was alleged to be adulterated in that an article deficient in milk fat and containing excessive moisture had been substituted wholly or in part for Colby longhorn cheese, which it purported to be.

It was alleged to be misbranded in that it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and in that it purported to be Colby cheese, a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but it failed to conform to such definition and standard in that it contained more than 40 percent of moisture, and its solids contained less than 50 percent of milk fat. It was alleged to be misbranded further in that the label failed to bear the name of the food specified in the definition and standard.

On July 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2191. Adulteration and misbranding of process cheese. U. S. v. 39 Boxes and 20 Loaves of Process Cheese. Consent decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 3798. Sample No. 56005-E.)**

The packages of this product contained less than the declared weight. The product also contained excessive moisture.

On February 11, 1941, the United States attorney for the District of Connecticut filed a libel against 39 boxes each containing 5 pounds of process cheese, and 20 5-pound loaves of the same product which had been removed from the boxes, at Waterbury, Conn., alleging that the article had been shipped in interstate commerce on or about January 23, 1941, by Sunette Cheese Corporation from New York, N. Y.; and charging that it was adulterated and misbranded. The article in the boxes was labeled in part: "5 Lbs. Net Sunette Brand American Pasteurized Process Cheese."

It was alleged to be adulterated in that a substance, process cheese containing excessive moisture, had been substituted wholly or in part for the article; and in that water had been added thereto or mixed or packed therewith so as to increase its bulk or weight or reduce its quality or strength or make it appear better or of greater value than it was.

Misbranding of the product in the boxes was alleged in that the statement "5 Lbs. Net" was false and misleading since it was incorrect; and in that it was in package form and did not bear an accurate statement of the quantity of contents.

On May 1, 1941, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

### EGGS

Nos. 2192 and 2193 report actions based on interstate shipment of oil-processed cold storage eggs that were represented to be fresh eggs.

**2192. Adulteration and misbranding of shell eggs. U. S. v. Rhodes Ranch Egg Co. Plea of guilty. Fine, \$1,400.** (F. D. C. No. 4163. Sample Nos. 44079-E, 44080-E, 44525-E, 44526-E, 44529-E to 44531-E, incl., 44536-E to 44539-E, incl., 44609-E, 44610-E, 44629-E.)

On August 7, 1941, the United States attorney for the District of Colorado filed an information against the Rhodes Ranch Egg Co., a corporation, Denver, Colo., alleging shipment within the period from on or about November 26 to on or about December 10, 1940, from the State of Colorado into the States of New Mexico, Arizona, and Wyoming, of quantities of shell eggs which were adulterated and misbranded. The article was labeled in part: "Rhodes Sealed Fresh Eggs" or "Rhodes Nulade Eggs."

The article was alleged to be adulterated in that oil-processed cold storage eggs had been substituted in whole or in part for fresh eggs, which it purported to be.

It was alleged to be misbranded in that the statements, "Sealed Fresh Eggs" or "Nulade Eggs," borne on the cartons or cases, were false and misleading in that they represented that it consisted of fresh or new-laid eggs; whereas it did not so consist, but did consist in whole or in part of oil-processed cold storage eggs.

On August 22, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$1,400.

**2193. Adulteration and misbranding of shell eggs. U. S. v. Toner's, Inc. Plea of guilty. Fine, \$600.** (F. D. C. No. 4162. Sample Nos. 44527-E, 44528-E, 44532-E, 44533-E, 44540-E, 44576-E.)

On July 28, 1941, the United States attorney for the District of Colorado filed an information against Toner's, Inc., Denver, Colo., alleging shipment within the period from on or about November 23 to on or about December 2, 1940, from the State of Colorado into the State of New Mexico of a number of cartons and 1 case of shell eggs which were adulterated and misbranded. The article was labeled in part: "Toner's Sun Valley Eggs \* \* \* Fresh" or "Ferndale Eggs \* \* \* Fresh."

The article was alleged to be adulterated in that oil-processed cold storage eggs had been substituted in whole or in part for fresh eggs, which it purported to be.

It was alleged to be misbranded in that the statement "Fresh," borne on the cartons and case, was false and misleading since the article did not consist of fresh eggs but did consist of oil-processed cold storage eggs.

On August 14, 1941, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$600.

**2194. Adulteration of frozen whole eggs. U. S. v. 192 Cans of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond.** (F. D. C. No. 4799. Sample No. 56906-E.)

Examination of this product showed the presence of decomposed eggs.

On May 19, 1941, the United States attorney for the Eastern District of New York filed a libel against 192 cans of frozen eggs at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about April 25, 1941, by the Belzer Egg Products Co. from Kansas City, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On June 25, 1941, Irving Edelstein, New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the